



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20590
www.uspto.gov

Paper No. 6

Lawrence M Lavin, Jr. Esq.
Monsanto Company
Patent Department E2NA
800 N Lindbergh Boulevard
St Louis MO 63167

COPY MAILED

NOV 01 2002

OFFICE OF PETITIONS

In re Application of
Mark S Abad
Application No. 09/615,606
Filed: July 13, 2000
Attorney Docket No. 38-21(15444)C

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 9, 2002, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond in an appropriate and timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 13, 2000, which set forth a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. No reply was received within the allowable period. Accordingly, this application became abandoned on November 14, 2001. A Notice of Abandonment was mailed September 9, 2002.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Petitioner responded to the Notice by authorizing the charge of \$1280.00 for the petition fee due to Deposit Account 50-2387. In order to meet the requirements for revival Petitioner must pay the basic filing fee as of the date of the instant petition in the amount of \$740.00 and the late surcharge fee of \$130.00. The aforementioned fees have been charged to Deposit Account 50-2387 as authorized in the instant petition.

The application is being forward to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Gregory J. Toatley, Jr. at (703) 305-4066 or to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy